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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,283	07/31/2006	Toyoshi Tokimoto	1248-0823PUS1	8628
2292	7590	05/27/2008	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				STRONCZER, RYAN S
ART UNIT		PAPER NUMBER		
2623				
NOTIFICATION DATE		DELIVERY MODE		
05/27/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/553,283	TOKIMOTO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Ryan Stronczer	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 3-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 July 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8 and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 8 and 12 recite a “wireless terminal control program,” which does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter). The subject matter recited in claims 8 and 12 is a computer program *per se* and does not constitute a physical transformation or process; instead the claimed subject matter constitutes an abstract idea which falls under a judicial exception to 35 U.S.C. 101 and is not directed to a practical application of such judicial exception because the claim does not require any physical transformation and the invention as claimed does not produce a useful, concrete, and tangible result.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1, 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida (Pub. No.: US 2002/0054028) and further in view of Labeeb et al. (Pub. No.: US 2003/0093792).**

As to claim 1, Fig. 1 of Uchida teaches:

a bi-directional communication system...[which] uses a bi-directional communication method and includes a display apparatus **100**, a base apparatus **200**, and a set-top box **300** serving as an exemplary external input apparatus...The display apparatus **100** does not require physical connection to the base apparatus **200**. Rather the display apparatus communicates with the base apparatus by radio communication. In this manner, the display apparatus can receive an information signal from the base apparatus **200** and transmit a control signal to the base apparatus **200**. [0028-29]

The display apparatus taught by Uchida is the equivalent of the recited wireless terminal. As to the recited "receiving...video data and EPG data" Uchida teaches, "*Each satellite broadcast signal includes...data including a video signal and an audio signal for a plurality of broadcast programs, data used for channel selection, and data for displaying an EPG*" [0070]. The display device taught by Uchida is inherently capable of displaying an EPG. As to the recited "second video generating means: and "video superimposing means," Fig. 2 of Uchida teaches that the display terminal contains an OSD (on-screen display) processing section which would allow the display device to display the EPG to the user.

As to the recited "rewritable nonvolatile memory for storing the EPG data received by the receiving means, the second video generating means generating the second video image based on the EPG data stored in the nonvolatile memory," Labeeb teaches:

As shown, set top box **34** includes EPG memory **36**, template memory **38**...Similarly, if the incoming command is a display command including EPG data, that data is stored in EPG memory **36** and is displayed with the template stored in template memory **38** when the user makes a menu selection via television remote control unit **706** and remote receiver **708** requesting display of the EPG data. [0204]

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the nonvolatile memory and EPG template taught by Labeeb into the terminal taught by Uchida to decrease overall bandwidth usage and processing time for the system.

As to claim 3, Labeeb explicitly teaches that system may store an EPG template in memory:

Set top box **34** may also comprise a nonvolatile template memory **38** for storing the template in which the EPG data is to be inserted for display to the viewer on the viewer's television **40**. In this manner, a video signal containing the template display data need not be continuously retransmitted to the set top box **34**, thereby saving more bandwidth. [0167]

As to claim 4, Uchida explicitly teaches that the system is designed to receive digital satellite television broadcast signals.

As to claim 5, Fig. 1 of Uchida as cited above teaches a base device consistent with that recited in claim 5.

As to claim 6, Fig. 6 of Uchida teaches a system comprising a wireless terminal and base device as recited. Paragraph 0070 of Uchida (cited above) explicitly teaches that the satellite broadcast contains EPG data and Fig. 2 of Uchida teaches that the terminal device contains an OSD processing section.

As to the method of claim 7, practicing the system taught by Fig. 1 of Uchida (as analyzed w/r/t claim 1) would necessarily require the steps of receiving data from a

base device and generating a video signal. Fig. 2 of Uchida teaches that the display device comprises an OSD processing unit which would enable the display device to display an EPG. As to the steps of writing the EPG data into nonvolatile memory, paragraph 0204 of Labeeb teaches that the system may contain EPG memory **36** as well template memory **38** stored in nonvolatile memory.

As to claims 8, 9, and 12, a control program and computer readable recording medium for storing such would be inherent in any digital communications device such as that taught by Uchida or Labeeb.

Claims 10 and 11 are rejected by Fig. 1 of Uchida as applied above.

### Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Stronczer whose telephone number is (571) 270-3756. The examiner can normally be reached on 7:30 AM - 5:00 PM (EDT), Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Stronczer/  
Examiner, Art Unit 2623

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2623